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EXAMINER

NGUYEN, T

ART UNIT

PAPER NUMBER

3725

DATE MAILED:

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CHARLES H THOMAS
4201 LONG BEACH BOULEVARD
SUITE 405
LONG BEACH CA 90807

0012/0215

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/325,311

Applicant(s)

Shoup

Examiner

Trinh Nguyen

Group Art Unit
3726



☒ Responsive to communication(s) filed on Jun 30, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-17 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-17 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "32" in line 2 of page 12 has been used to designate both the longitudinal edge and the sheet metal strip, and reference character "38" in line 4 of page 13 has been used to designate both an indentation and a pair of miter cuts. Correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2-6, 8-12, and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following are examples only:

In claim 2: the phrase "forming said stile members and said transverse rail members...which said security bars pass" is unclear and confusing because this phrase is not clearly understood as written; and also, is the phrase "said transverse rail members" referred to as "said rail members" or another rail members?

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In claim 3: the phrases “to reside in a common plane”, “said stile members to said attachment flanges thereof”, and “said transverse rail members to said attachment flanges thereof” are unclear and confusing.

In claim 8: the phrases “whereby said attachment flanges all project inwardly within said rectangle and lie in a common plane”, and “whereby said security bar receiving openings in each of said perimeter segment members reside proximate to said security bar attachment flange thereof on one side of said common plane” are confusing; and also, is the phrase “said perimeter segment members” and “said hollow segment members” are the same segment member?

In claim 11: the word “lest” should be rewritten as “least”; the phrase “their ends” is unclear because the examiner is unable to determine which member’s “ends” applicant is referring to, i.e. the perimeter segment member or the corner tabs projecting.

The above noted defects are merely representative and not intended to be a complete listing thereof. Applicant is required to make corrections to all the claims wherever appropriate in order to clarify same if the prosecution is continued.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US 5,862,645) in view of Bruhnke et al. (US 4,470,717).

Lee teaches a method of fabricating a metal security frame comprising the steps of: forming four hollow segments (122) having a plurality of receiving openings (1221); and placing a plurality of security bars (13, 14) within the receiving openings to form a complete security frame. Lee does not teach the step of spot welding the ends of the security bars to the hollow segments.

However, Bruhnke et al. clearly teach that spot welding metal frame members so as to form a stronger bond between members is an old and conventional technique. It would have been obvious to one of ordinary skill in the art at the time the invention was made to spot weld the security bars to the hollow segments, as taught in Bruhnke et al., in order to provide a more efficient bond between members; thus, reduce manufacturing cost.

6. Claims 2 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee in view of Bruhnke et al., and further in view of Goldsmith (US 2,568,148).

Lee/Bruhnke et al. teaches the above limitations except for forming a flange member in which the security bars reside in contact therewith.

Goldsmith teaches a frame member (11) having a flange member (19) and a receiving aperture (15) therefrom, wherein the security bar (10) is inserted in the receiving aperture so that the security bar resides in contact with the flange member as shown in Figures 4-8. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the frame members of Lee/Bruhnke et al. to include the step of forming a flange member in which the

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security bars reside in contact therewith, as taught by Goldsmith, in order to create a better fit between the members thereof.

7. Claims 4, 5, 11, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claims 2 and 13 above, and further in view of Stern (US 5,018,263).

The references, as applied to claims 2 and 13 above, teach the above limitations except for the steps of “punching”, “cutting”, “rolling”, “crimping”, and “bending” a sheet metal strip to form mitered corners between the frame members.

Stern teaches a method for making such mitered corners from a sheet metal strip (10) as shown in Figures 1-9. It would have been obvious to one of ordinary skill in the art at the time the invention was made to reshape a metal strip into mitered corners by performing those steps as taught in Stern, in order to provide a more efficient manufacturing steps in which a quality frame member can be manufactured at a low cost.

8. Claims 6, 12, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claims 5, 11, and 15 above, and further in view of Janotik et al. (US 5,549,352).

The references, as applied to claims 5, 11, and 15 above, teach the above limitations except for providing an access opening within the frame members so that the spot welding tool can be inserted therein to weld the members together.

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Janotik et al. teach a method of constructing a frame member where access opening for the spot welding tool is provided. It would have been obvious to one of ordinary skill in the art at the time the invention was made to construct an access opening within the frame members, as taught in Janotik et al., in order to allow the insertion of the spot welding tool.

With respect to claim 16, whether the steps for “inserting” and “withdrawing” internal spot welding electrodes are conducted in a particular order such as prior to or after is a matter of design choice wherein no stated problem is solved, or any new or unexpected result achieved, and it appears that the invention would perform equally well with the internal spot welding electrodes conducted in any order.

With respect to claims 6 and 12, the steps “inserting internal spot welding tips...”, “bringing external spot welding tips...”, and “passing electric currents between said internal and said external spot welding tips...”, as such, are inherent steps within Janotik et al.’s method, since these steps are the necessary steps that one must carry out when performing a spot welding technique.

Allowable Subject Matter

9. Claims 3, and 8-10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and are cited on form PTO-892 encloses herewith.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Trinh Nguyen** whose telephone number is (703) 306-9082.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148.

TTN

February 9, 2000

J. C. A.
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